

Oct 18, 2024

s/ D. Olszewski

Deputy Clerk, U.S. District Court
Eastern District of Wisconsin

UNITED STATES DISTRICT COURT

for the
Eastern District of Wisconsin

In the Matter of the Search of

(Briefly describe the property to be searched
or identify the person by name and address)

information associated with Facebook account https://www.facebook.com/profile.php?id=61558929425136 with user ID 61558929425136 (Subject Account) that is stored at premises owned, maintained, controlled, or operated by Meta Platforms, Inc., a company headquartered in Menlo Park, California.

Case No. 24 MJ 217

APPLICATION FOR A WARRANT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

Please see Attachment A.

located in the _____ District of _____, there is now concealed (identify the person or describe the property to be seized):

Please see Attachment B.

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
- ☐ contraband, fruits of crime, or other items illegally possessed;
- ☐ property designed for use, intended for use, or used in committing a crime;
- ☒ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section	Offense Description
18 U.S.C. § 3583	Violations of the Conditions of Supervised Release

The application is based on these facts:

Please see Affidavit.

- ☒ Continued on the attached sheet.
- ☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

KEVIN SMITH

Digitally signed by KEVIN SMITH
Date: 2024.10.16 17:07:45 -05'00'

Applicant's signature

Kevin Smith, Deputy United States Marshal, USMS

Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by
_____ telephone _____ (specify reliable electronic means).

Date: 10/18/2024



Judge's signature

City and state: Milwaukee, WI

Honorable William E. Duffin, U.S. Magistrate Judge

Printed name and title

**AFFIDAVIT IN SUPPORT OF
AN APPLICATION FOR A SEARCH WARRANT**

I, Kevin Smith, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I make this affidavit in support of an application for a search warrant for information associated with a certain Facebook user ID that is stored at premises owned, maintained, controlled, or operated by Meta Platforms, Inc. (“Meta”), a company headquartered in Menlo Park, California. The information to be searched is described in the following paragraphs and in Attachment A. This affidavit is made in support of an application for a search warrant under 18 U.S.C. §§ 2703(a), 2703(b)(1)(A) and 2703(c)(1)(A) to require Meta to disclose to the government records and other information in its possession, pertaining to the subscriber or customer associated with the account <https://www.facebook.com/profile.php?id=61558929425136> with user ID 61558929425136 (Subject Account).

2. I am a Deputy United States Marshal with the United States Marshals Service (USMS) and, as such, am charged with enforcing all laws in all jurisdictions of the United States, its territories and possessions. I have been a member of the United States Marshals Service since March 2021. I have had both formal training and have participated in numerous investigations to locate federal and state fugitives. I am an investigator or law enforcement officer of the United States within the meaning of 18 U.S.C. § 2510(7), in that I am empowered by law to conduct investigations of and to make arrests for federal felony offenses.

3. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents and witnesses. This affidavit is intended

to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

4. Based on my training and experience and the facts as set forth in this affidavit, there is probable cause to believe that violations of Title 18, United States Code, Section 3583, violations of the conditions of supervised release were committed by Adam EZELL (EZELL). There is also probable cause to search the information described in Attachment A for evidence of this crime as described in Attachment B.

PROBABLE CAUSE

5. The United States government, including the USMS, is investigating violations of Title 18, United States Code, Section 3583, violations of the conditions of supervised release, committed by Adam EZELL.

6. On February 14, 2017, EZELL was indicted in the Eastern District of Wisconsin for Interference with Commerce by Threat or Violence and Brandishing a firearm during and in relation to a crime of violence in *United States v. Griffin-Holmes et al.*, case number 2:17-CR-025.

7. On May 18, 2017, EZELL pleaded guilty to both counts of the indictment and on August 23, 2017, was sentenced to a total of 84 months and 1 day imprisonment and a total of 3 years of supervised release. Supervised release for EZELL commenced on December 15, 2023.

8. On September 30, 2024, U.S. District Judge Lynn Adelman issued an arrest warrant for EZELL following a petition filed with the court regarding alleged violations of supervised release. The USMS has been enlisted to locate and apprehend EZELL. As of today, EZELL's whereabouts remain unknown, and the arrest warrant remains unexecuted.

9. Through an open search of Facebook, the USMS located the Facebook account name "Adam Ezell" with url: <https://www.facebook.com/profile.php?id=61558929425136>.

Investigators identified the account of “Adam Ezell” with url: <https://www.facebook.com/profile.php?id=61558929425136> (User ID: 61558929425136) to be the active Facebook account for Adam EZELL. When comparing photos and videos on the account to Wisconsin Department of Transportation records for Adam EZELL, it was determined that the individual depicted on the Facebook account <https://www.facebook.com/profile.php?id=61558929425136> is the same person as Adam EZELL.

10. The USMS believes that by obtaining historical and recent content information for EZELL’s Facebook account, it may assist investigators in determining a new location for EZELL.

11. Based on your affiant’s training and experience in locating and apprehending fugitives, the data being sought by this warrant will assist in locating EZELL. Because successful apprehensions often rely on the element of surprise and on taking the fugitive unaware, it is often necessary to attempt an arrest during nighttime or the early morning hours, when most people are sleeping. Further, apprehension tactical plans often change at the last minute based on unexpected movements or other behavior of the target. Therefore, I cannot predict in advance when this data would need to be accessed and would need access to the data at all times of the day or night in order to ensure a safe and successful apprehension.

12. Your affiant believes Adam EZELL’s account to be active based on a recent post updating the accounts cover photo, depicting EZELL on October 6, 2024.

TECHNCIAL BACKGROUND

13. Meta owns and operates Facebook, a free-access social networking website that can be accessed at <http://www.facebook.com>. Facebook users can use their accounts to share

communications, news, photographs, videos, and other information with other Facebook users, and sometimes with the general public.

14. Meta asks Facebook users to provide basic contact and personal identifying information either during the registration process or thereafter. This information may include the user's full name, birth date, gender, e-mail addresses, physical address (including city, state, and zip code), telephone numbers, screen names, websites, and other personal identifiers. Each Facebook user is assigned a user identification number and can choose a username.

15. Facebook users may join one or more groups or networks to connect and interact with other users who are members of the same group or network. Facebook assigns a group identification number to each group. A Facebook user can also connect directly with individual Facebook users by sending each user a "Friend Request." If the recipient of a "Friend Request" accepts the request, then the two users will become "Friends" for purposes of Facebook and can exchange communications or view information about each other. Each Facebook user's account includes a list of that user's "Friends" and a "News Feed," which highlights information about the user's "Friends," such as profile changes, upcoming events, and birthdays.

16. Facebook users can select different levels of privacy for the communications and information associated with their Facebook accounts. By adjusting these privacy settings, a Facebook user can make information available only to himself or herself, to particular Facebook users, or to anyone with access to the Internet, including people who are not Facebook users. A Facebook user can also create "lists" of Facebook friends to facilitate the application of these privacy settings. Facebook accounts also include other account settings that users can adjust to control, for example, the types of notifications they receive from Facebook.

17. Facebook users can create profiles that include photographs, lists of personal interests, and other information. Facebook users can also post “status” updates about their whereabouts and actions, as well as links to videos, photographs, articles, and other items available elsewhere on the Internet. Facebook users can also post information about upcoming “events,” such as social occasions, by listing the event’s time, location, host, and guest list. In addition, Facebook users can “check in” to particular locations or add their geographic locations to their Facebook posts, thereby revealing their geographic locations at particular dates and times. A particular user’s profile page also includes a “Wall,” which is a space where the user and his or her “Friends” can post messages, attachments, and links that will typically be visible to anyone who can view the user’s profile.

18. Facebook users can upload photos and videos to be posted on their Wall, included in chats, or for other purposes. Users can “tag” other users in a photo or video, and can be tagged by others. When a user is tagged in a photo or video, he or she generally receives a notification of the tag and a link to see the photo or video.

19. Facebook users can use Facebook Messenger to communicate with other users via text, voice, video. Meta retains instant messages and certain other shared Messenger content unless deleted by the user, and also retains transactional records related to voice and video chats, and the date of each call. Facebook users can also post comments on the Facebook profiles of other users or on their own profiles; such comments are typically associated with a specific posting or item on the profile.

20. If a Facebook user does not want to interact with another user on Facebook, the first user can “block” the second user from seeing his or her account.

21. Facebook has a “like” feature that allows users to give positive feedback or connect to particular pages. Facebook users can “like” Facebook posts or updates, as well as webpages or content on third-party (*i.e.*, non-Facebook) websites. Facebook users can also become “fans” of particular Facebook pages.

22. Facebook has a search function that enables its users to search Facebook for keywords, usernames, or pages, among other things.

23. Each Facebook account has an activity log, which is a list of the user’s posts and other Facebook activities from the inception of the account to the present. The activity log includes stories and photos that the user has been tagged in, as well as connections made through the account, such as “liking” a Facebook page or adding someone as a friend. The activity log is visible to the user but cannot be viewed by people who visit the user’s Facebook page.

24. Facebook also has a Marketplace feature, which allows users to post free classified ads. Users can post items for sale, housing, jobs, and other items on the Marketplace.

25. In addition to the applications described above, Meta provides users with access to thousands of other applications (“apps”) on the Facebook platform. When a Facebook user accesses or uses one of these applications, an update about that the user’s access or use of that application may appear on the user’s profile page.

26. Meta also retains records of which IP addresses were used by an account to log into or out of Facebook, as well as IP address used to take certain actions on the platform. For example, when a user uploads a photo, the user’s IP address is retained by Meta along with a timestamp.

27. Meta retains location information associated with Facebook users under some circumstances, such as if a user enables “Location History,” “checks-in” to an event, or tags a post with a location.

28. Social networking providers like Meta typically retain additional information about their users' accounts, such as information about the length of service (including start date), the types of service used, and the means and source of any payments associated with the service (including any credit card or bank account number). In some cases, Facebook users may communicate directly with Meta about issues relating to their accounts, such as technical problems, billing inquiries, or complaints from other users. Social networking providers like Meta typically retain records about such communications, including records of contacts between the user and the provider's support services, as well as records of any actions taken by the provider or user as a result of the communications.

29. As explained herein, information stored in connection with a Facebook account may provide crucial evidence of the "who, what, why, when, where, and how" of the criminal conduct under investigation, thus enabling the United States to establish and prove each element or alternatively, to exclude the innocent from further suspicion. In my training and experience, a Facebook user's IP log, stored electronic communications, and other data retained by Meta, can indicate who has used or controlled the Facebook account. This "user attribution" evidence is analogous to the search for "indicia of occupancy" while executing a search warrant at a residence. For example, profile contact information, private messaging logs, status updates, and tagged photos (and the data associated with the foregoing, such as date and time) may be evidence of who used or controlled the Facebook account at a relevant time. Further, Facebook account activity can show how and when the account was accessed or used. For example, as described herein, Meta logs the Internet Protocol (IP) addresses from which users access their accounts along with the time and date. By determining the physical location associated with the logged IP addresses, investigators can understand the chronological and geographic context of the account access and

use relating to the crime under investigation. Such information allows investigators to understand the geographic and chronological context of Facebook access, use, and events relating to the crime under investigation. Additionally, location information retained by Meta may tend to either inculcate or exculpate the Facebook account owner. Last, Facebook account activity may provide relevant insight into the Facebook account owner's state of mind as it relates to the offense under investigation. For example, information on the Facebook account may indicate the owner's motive and intent to commit a crime (e.g., information indicating a plan to commit a crime), or consciousness of guilt (e.g., deleting account information in an effort to conceal evidence from law enforcement).

30. Therefore, the servers of Meta are likely to contain all the material described above, including stored electronic communications and information concerning subscribers and their use of Facebook, such as account access information, transaction information, and other account information.

INFORMATION TO BE SEARCHED AND THINGS TO BE SEIZED

31. I anticipate executing this warrant under the Electronic Communications Privacy Act, in particular 18 U.S.C. §§ 2703(a), 2703(b)(1)(A) and 2703(c)(1)(A), by using the warrant to require Meta to disclose to the government copies of the records and other information (including the content of communications) particularly described in Section I of Attachment B. Upon receipt of the information described in Section I of Attachment B, government-authorized persons will review that information to locate the items described in Section II of Attachment B.

CONCLUSION

32. Based on the foregoing, I request that the Court issue the proposed search warrant.

33. Pursuant to 18 U.S.C. § 2703(g), the presence of a law enforcement officer is not required for the service or execution of this warrant. The government will execute this warrant by serving it on Meta. Because the warrant will be served on Meta, who will then compile the requested records at a time convenient to it, reasonable cause exists to permit the execution of the requested warrant at any time in the day or night.

34. This Court has jurisdiction to issue the requested warrant because it is “a court of competent jurisdiction” as defined by 18 U.S.C. § 2711. 18 U.S.C. §§ 2703(a), (b)(1)(A) & (c)(1)(A). Specifically, the Court is “a district court of the United States . . . that – has jurisdiction over the offense being investigated.” 18 U.S.C. § 2711(3)(A)(i).

ATTACHMENT A
Property to Be Searched

This warrant applies to information associated with Facebook account <https://www.facebook.com/profile.php?id=61558929425136> with user ID 61558929425136 **(Subject Account)** that is stored at premises owned, maintained, controlled, or operated by Meta Platforms, Inc., a company headquartered in Menlo Park, California.

ATTACHMENT B
Particular Things to be Seized

I. Information to be disclosed by Meta Platforms, Inc. (“Meta”)

To the extent that the information described in Attachment A is within the possession, custody, or control of Meta, regardless of whether such information is located within or outside of the United States, including any messages, records, files, logs, or information that have been deleted but are still available to Meta, or have been preserved pursuant to a request made under 18 U.S.C. § 2703(f), Meta is required to disclose the following information to the government for each user ID listed in Attachment A:

- (a) **The following information associated with the user ID listed in Attachment A for the time period of September 1, 2024 to the date of this warrant’s execution:**
- i. All contact and personal identifying information, **for Subject Account**, including full name, user identification number, birth date, gender, contact e-mail addresses, physical address (including city, state, and zip code), telephone numbers, screen names, websites, and other personal identifiers.
 - ii. All activity logs for the account and all other documents showing the user’s posts and other Facebook activities **September 1, 2024 to the present;**
 - iii. All photos and videos uploaded by that user ID and all photos and videos uploaded by any user that have that user tagged in them **September 1, 2024 to the present**, including Exchangeable Image File (“EXIF”) data and any other metadata associated with those photos and videos;
 - iv. All profile information; News Feed information; status updates; videos, photographs, articles, and other items; Notes; Wall postings; friend lists, including the friends’ Facebook user identification numbers; groups and networks of which the user is a member, including the groups’ Facebook group identification numbers; future and past event postings; rejected “Friend” requests; comments; gifts; pokes; tags; and information about the user’s access and use of Facebook applications;
 - v. All records or other information regarding the devices and internet browsers associated with, or used in connection with, that user ID, including the

hardware model, operating system version, unique device identifiers, mobile network information, and user agent string;

- vi. All other records and contents of communications and messages made or received by the user **September 1, 2024 to the present**, including all Messenger activity, private messages, chat history, video and voice calling history, and pending “Friend” requests;
- vii. All “check ins” and other location information;
- viii. All IP logs, including all records of the IP addresses that logged into the account;
- ix. All records of the account’s usage of the “Like” feature, including all Facebook posts and all non-Facebook webpages and content that the user has “liked”;
- x. All information about the Facebook pages that the account is or was a “fan” of;
- xi. All past and present lists of friends created by the account;
- xii. All records of Facebook searches performed by the account **September 1, 2024 to the present**;
- xiii. All information about the user’s access and use of Facebook Marketplace;
- xiv. The types of service used by the user;
- xv. The length of service (including start date) and the means and source of any payments associated with the service (including any credit card or bank account number);
- xvi. All privacy settings and other account settings, including privacy settings for individual Facebook posts and activities, and all records showing which Facebook users have been blocked by the account;
- xvii. All records pertaining to communications between Meta and any person regarding the user or the user’s Facebook account, including contacts with support services and records of actions taken.

Meta is hereby ordered to disclose the above information to the government within 14 DAYS of issuance of this warrant.

(b) Information associated with each communication to and from the user ID listed in Attachment A for a period of 30 days from the date of this warrant, including:

- i. Any dialing, routing, addressing, and signaling information associated with each communication (including but not limited to account logins; posts and comments on a Facebook profile or webpage; photo or video uploads; direct/private messages; and Facebook chats, calls, and video calls) to or from the accounts described in Attachment A, including, without geographic limit: the date and time of the communication; source and destination information (including account and device identifiers and login and transactional IP addresses with associated port numbers); and any other header or routing information.

The Court has also issued an order pursuant to 18 U.S.C. § 3123, for such information associated with the user ID listed in Attachment A.

(c) Information about the location of the user ID listed in Attachment A for a period of 30 days, during all times of day and night, to include all available GPS data, latitude-longitude data, and other precise location information.

- i. To the extent that the information described in the previous paragraph (hereinafter, “Location Information”) is within Facebook’s possession, custody, or control, Facebook is required to disclose the Location Information to the government. In addition, Facebook must furnish the government all information, facilities, and technical assistance necessary to accomplish the collection of the Location Information unobtrusively and with a minimum of interference with Facebook’s services, including by initiating a signal to determine the location of the user ID listed in Attachment A on Facebook’s network or with such other reference points as may be reasonably available, and at such intervals and times directed by the government. The government shall compensate Facebook for reasonable expenses incurred in furnishing such facilities or assistance.
- ii. This warrant does not authorize the seizure of any tangible property. In approving this warrant, the Court finds reasonable necessity for the seizure of the Location Information. *See* 18 U.S.C. § 3103a(b)(2).

II. Information to be seized by the government

All information described above in Section I that constitutes fruits, evidence and instrumentalities of violations of Title 18, United States Code, Section 3583, violations of the conditions of supervised release involving Adam EZELL since September 1, 2024, including, for each user ID identified on Attachment A, information pertaining to the following matters:

- (a) Evidence indicating how and when the Facebook account was accessed or used, to determine the chronological and geographic context of account access, use, and events relating to the crime under investigation and to the Facebook account owner;
- (b) Evidence indicating the Facebook account owner's state of mind as it relates to the crime under investigation;
- (c) The identity of the person(s) who created or used the user ID, including records that help reveal the whereabouts of such person(s).